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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Assignments
FM Broadcast Stations
(Walker and Nashwauk, Minnesota)

) MM Docket No. 94-4

) RM-8413 and RM-
)
)
)

RECEIVED

TO: Michael Ruger, Chief, Allocations Branch
Policy and Rules Division, Mass Media Bureau

APR 18 1994

REPLY COMMENTS OF ROGER PASKVAN

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1. Roger Paskvan hereby submits his Reply Comments in the above-captioned proceeding. As previously noted in his Comments herein, Mr. Paskvan remains interested in the allotment of an FM channel to Walker, Minnesota: he intends to prepare, file and prosecute an application for authority to use such a channel if one is allotted, and he further intends to construct and operate a station if such authority is granted to him.

2. In his Petition for Rule Making which initiated this proceeding, Mr. Paskvan proposed that allotment of Channel 270A to Walker. In its Comments and Counterproposal in response to the Notice of Proposed Rule Making herein, Ingstad Broadcasting, Inc. ("Ingstad") has proposed that Channel 270C3 be allotted instead to Nashwauk, Minnesota. Mr. Paskvan hereby advises the Commission that he has no objection to the allotment of a Class C3 channel to Nashwauk -- indeed, as set forth below and in the accompanying engineering statement, Mr. Paskvan would support the allotment of two such channels to Nashwauk.

3. Mr. Paskvan stands by his original proposal that Channel 270A be allotted to Walker. However, as set forth in the

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accompanying engineering statement, multiple other channels are available to Nashwauk. For example, Channels 253C3 and 275C3 could be allotted to Nashwauk without difficulty. Mr. Paskvan specifically proposes that such allotments be considered and adopted by the Commission. ^{1/}

4. Mr. Paskvan also hereby advises the Commission that Mr. Paskvan's previously-stated intention to file for authority to utilize a Walker channel, and to construct and operate a Walker channel, is not dependent on the particular channel to be allotted there (although, as noted above, Mr. Paskvan's preference continues to be for Channel 270A).

5. Finally, Mr. Paskvan wishes to propose that, if the Commission decides to allot a new channel to Nashwauk, the Commission should allot two channels there. As demonstrated in the accompanying engineering statement, there are clearly a number of channels available for that purpose, including at least two C3 channels. Mr. Paskvan hereby states his intention to apply for authority to utilize a Nashwauk channel, and to construct and operate a Nashwauk station if such authority is granted.

6. While such a dual allotment approach may be somewhat unusual, it would appear to be warranted in light of the

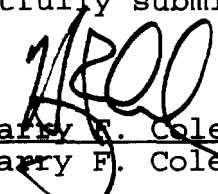
^{1/} Mr. Paskvan understands that Commission policy permits -- indeed, encourages -- parties to a channel allotment proceeding to suggest alternate channels even after the counterproposal deadline if such suggestions might expedite resolution of the proceeding. See Pinewood, South Carolina, 5 FCC Rcd 7609, 7610, ¶11 (1990) ("After the counterproposal deadline, we believe it is appropriate for a party in a proceeding to suggest alternate channels which may lead to a resolution with respect to the communities already at issue in the proceeding."). The instant proposal is being advanced pursuant to that policy.

fact that two parties -- Ingstad and Mr. Paskvan -- have expressed current interest in channels in Nashwauk. That being the case, and there being ample channels available for the purpose, it would appear appropriate to dispose of all known Nashwauk allotment requests in a single decision. Mr. Paskvan requests that the Commission do so. As noted above, there are several channels available to Nashwauk. See accompanying engineering statement. Mr. Paskvan's preference would be for Channels 253C3 and 275C3 to be allotted to Nashwauk; however, also as is the case with the Walker proposal, Mr. Paskvan's commitment to seek a second Nashwauk channel is not dependent on the particular channel to be allotted there.

WHEREFORE, for the reasons stated, Roger Paskvan proposes that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Walker	256C1	256C1, 270A
Nashwauk	--	253C3, 275C3

Respectfully submitted,


/s/ ~~Harry F. Cole~~
Harry F. Cole

Bechtel & Cole, Chartered
1901 L Street, N.W. - Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Roger Paskvan

April 18, 1994

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that, on this 18th day of April, 1994, I caused to be placed in the U.S. mail, first class postage prepaid, copies of the foregoing "Reply Comments of Roger Paskvan" addressed to the following:

Michael C. Ruger, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
2025 M Street, N.W. - Room 8322
Washington, D.C. 20554

Kathleen Scheuerle
Allocations Branch
Policy and Rules Division
Mass Media Bureau
2025 M Street, N.W. - Room 8322
Washington, D.C. 20554

David D. Oxenford, Esquire
Lauren S. Drake, Esquire
Fisher, Wayland, Cooper, Leader
& Zarazoga
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006


/s/ Harry F. Cole
Harry F. Cole

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E.

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

301 921-0115

ENGINEERING EXHIBIT RM-REPLY:

**REPLY COMMENTS
OF ROGER PASKVAN**

**MM DOCKET 94-4
WALKER AND NASHWAUK, MN**

APRIL 15, 1994

**ENGINEERING STATEMENT IN SUPPORT OF
REPLY COMMENTS OF ALTERNATIVE FM CHANNELS
WHICH ELIMINATE THE MUTUAL EXCLUSIVITY
OF WALKER AND NASHWAUK, MN.**

**ORIGINAL
SIGNATURE**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT RM-REPLY:

**REPLY COMMENTS
OF ROGER PASKVAN**

**MN DOCKET 94-4
WALKER AND NASHWAUK, MN**

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6. Figure 4, Alternate Channel - 275C3 - Nashwauk, MN.

MULLANEY ENGINEERING, INC.

DECLARATION

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Roger Paskvan to prepare reply comments in MM Docket 94-4.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney

Executed on the 15th day of April 1994.

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT RM-REPLY:

**REPLY COMMENTS
OF ROGER PASKVAN**

**MN DOCKET 94-4
WALKER AND NASHWAUK, MN**

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Roger Paskvan. The purpose of this statement is to support reply comments concerning the allotment of a new FM channel to Walker, Minnesota and of a counterproposal to allot a new channel to Nashwauk, Minnesota. As originally filed, it was requested to allot FM channel 270A to Walker and 270C3 to Nashwauk, Minnesota. Inasmuch as the two locations are approximately 103.8 kilometers apart and wherein the rules require a Class A-C3 co-channel separation of 142 kilometers, it is clear that a both allotments would be mutually exclusive.

These comments are intended to demonstrate that it is possible to allot different channels to both Walker & Nashwauk, MN. In addition, Paskvan also wishes to add his support to Nashwauk and herein requests the FCC to allot two C3 channels simultaneously to Nashwauk. If allotted Paskvan would propose to file an application during the initial filing window.

II. ENGINEERING DISCUSSION:

A. Proposed Reference Points:

MM Docket 94-4 for Walker, MN, gave the following special reference coordinates:

Latitude: 47° 07' 08"
Longitude: 94° 33' 22"

The petition filed by Ingstad Broadcasting, Inc., for Nashwauk, MN, gave the following special reference coordinates:

Latitude: 47° 15' 00"
Longitude: 93° 12' 00"

Nashwauk, MN, city reference coordinates are as follows:

Latitude: 47° 22' 49"
Longitude: 93° 10' 05"

These coordinates have been plotted on the map submitted as Figure 1. As can be seen, the Walker reference point is some 3 kilometers northeast of the city of Walker while the Ingstad reference point is some 14 kilometers south of the city of Nashwauk.

B. Proposed FM Channel For Walker, MN:

Figure 2 is a allocation study on Channel 270A from the special reference point published in the Docket. As can be seen, the use of Channel 270A complies fully with the required channel spacings.

It should be noted that the majority of the northeastern quadrant from the city of Walker consists of a very large lake. Consequently, any potential alternate channel at

Walker must consider the useable "land" area available for a proposed tower. Paskvan has reviewed the site limitations on Ch. 270 and has been able to secure a potential tower site.

C. Alternate FM Channel For Nashwauk, MN:

Figure 3 is a allocation study on Channel 253C3 from the coordinates proposed by Ingstad. As can be seen, the use of Channel 287C3 complies fully with the required channel spacings from this special reference point. It has also been separately determined that the channel will also meet the spacing criteria from a site (47-22-40 / 93-10-50) 1 kilometer west-southwest of actual reference coordinates for Nashwauk.

It should be noted that unlike Walker, Nashwauk does not have a large body of water to contend with during the site selection process.

D. Additional FM Channel For Nashwauk, MN:

As stated previously, Paskvan supports the idea of a FM channel in Nashwauk so much so that he is herein requesting the FCC to simultaneously allot two Class C3 channels to meet both expressions of interest.

Figure 3 is a allocation study on Channel 253C3 from the city reference coordinates for Nashwauk. As can be seen, the use of Channel 287C3 complies fully with the required channel spacings.

III. SUMMARY:

Roger Paskvan renews his request that the FM Table of Assignments be amended to allot FM Channel 270A at Walker, Minnesota. As demonstrated herein, by allotting Channel 253C3 in lieu of 270C3 at Nashwauk, there will no longer be a conflict with the proposed Channel 270A Walker allotment.

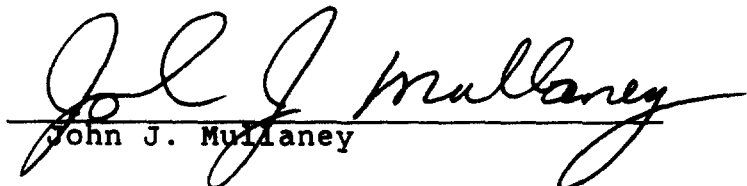
In addition, it is requested that the FCC simultaneously allot both 253C3 and 275C3 to Nashwauk, MN, to meet the expressed desire of both parties to operate a new FM station at Nashwauk, Minnesota.

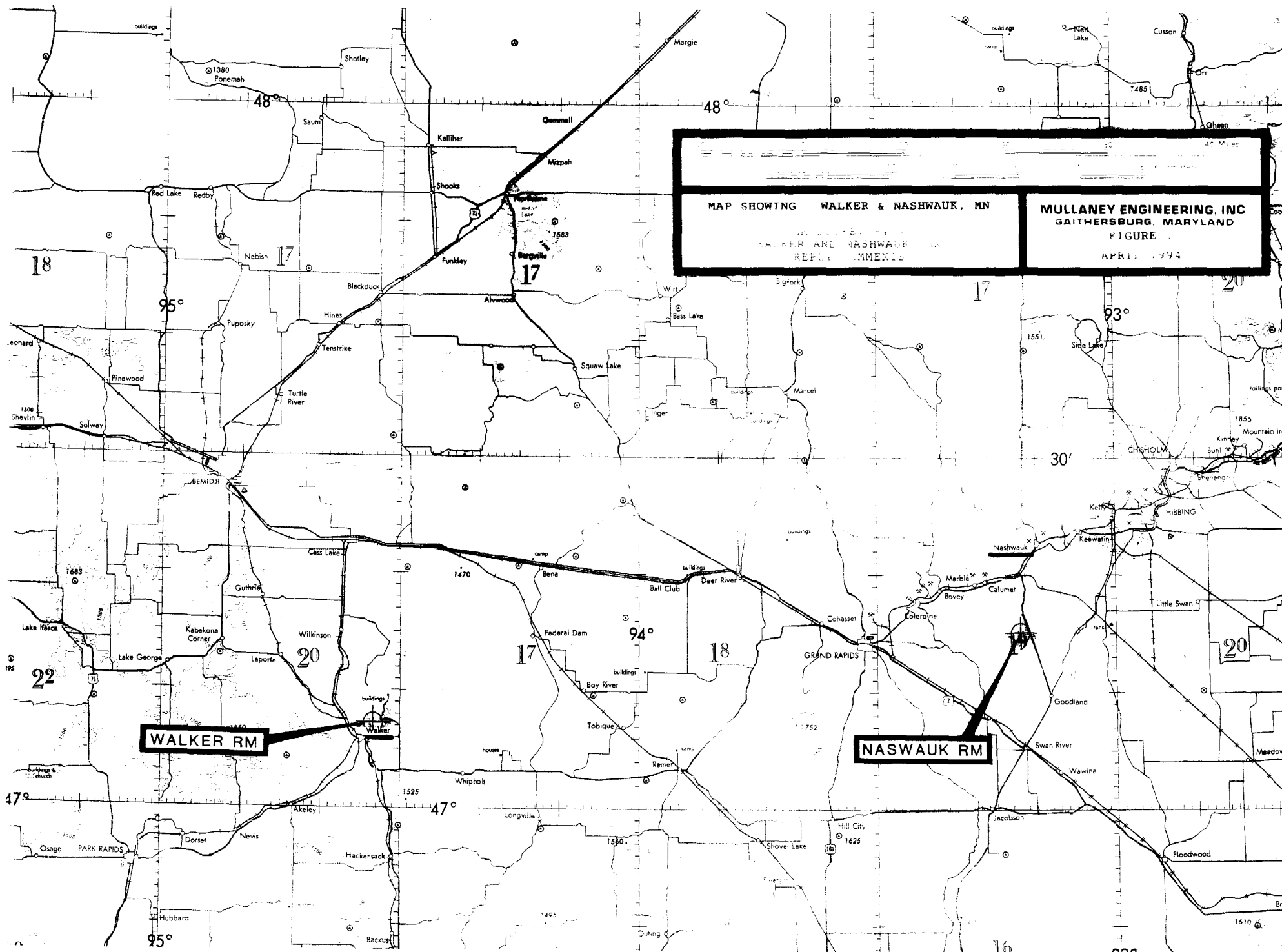
City	Present	Proposed
Walker, MN	256C1	270A, 256C1
Nashwauk, MN	--	253C3 & 275C3

If allotted Roger Paskvan will promptly file a construction permit application at both Walker & Nashwauk.

Roger Paskvan believes the above channel allotments will Serve the Public Interest.

April 15, 1994.


John J. Mullaney



MAP SHOWING WALKER & NASHWAUK, MN	
WALKER AND NASHWAUK, MN REPLY COMMENTS	
MULLANEY ENGINEERING, INC GAITHERSBURG, MARYLAND FIGURE APRIL 1994	

WALKER RM

NASHWAUK RM

RMB413	270 A	FR	POLARIZATION	ERP (KW)	HAAT	RCMSL
Walker MN	US	ADD		HOR PLN	BM TILT	(METER)
47.0708	94.3322 (D.MMS)		HORIZONTAL	6.000	0.000	100.0
Roder Paskvan			VERTICAL	0.000	0.000	0.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 6.000 (KW) 7.8 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	CANADIAN
	DBU KM	DBU KM
CD CHANNEL (40.0)	86.7	(34.0) 98.9
1ST ADJACENT (54.0)	43.7	(48.0) 35.0
2ND ADJACENT (80.0)	9.1	(74.0) 7.0
3RD ADJACENT (100.0)	2.8	(94.0) 2.3
PROTECTED (60.0)	28.3	(54.0) 38.7
CITY GRADE (70.0)	16.2	

AZIMUTH	HAAT	HAAT	CONTOURS (KM)		
DEGREES	(METERS)	(FEET)	70 DBU	60 DBU	54 DBU
0.0	112.0	367.5	17.3	29.8	40.6
45.0	117.3	384.8	17.7	30.4	41.3
90.0	116.2	381.4	17.6	30.3	41.2
135.0	93.0	305.0	15.5	27.3	37.5
180.0	105.1	344.7	16.6	29.0	39.5
225.0	81.3	266.6	14.4	25.7	35.3
270.0	74.9	245.7	13.8	24.7	34.0
315.0	100.2	328.9	16.2	28.3	38.8
AVERAGE	100.0	328.1	16.2	28.3	38.7

EST SITE ELEVATION : 410.8 m.; 1347.8 ft.
 EST RAD CENTER AGL : 102.7 m.; 337.1 ft.
 RAD CENTER A.M.S.L.: 513.6 m.; 1684.9 ft.

 THE CANADIAN BORDER IS 165.8 KM ON A BEARING OF 20.1 DEG. TRUE

AZIMUTH	LAT	LONG	ERP (KW)	HAAT	D	I-CON	P-CON	IR	IC	REZLT							
FROM TO	CALL	STS	FILE NUMBER	CITY	ST C	(D.MMS)	REL CHN	HORZ VERT	(M)	A	F5010	F5050	DIST	RSEP	RSEP	IR	IC
											(KM)	(KM)	(KM)	(KM)	(KM)		
23.0 203.8		VAC		Fort Fran	DN C	48.3727	93.3507	1ST 269B	H	V	0		182.4	149.			
0.0 0.0		ADD	RMB413	Walker	MN A	47.0708	94.3322	CD 270A	H	V			0.0	115.			-
81.4 262.4		ADD	RH	NASHWAUK	MN A	47.1500	93.1200	CD 270C3	H	V			103.8	142.			MX
267.6 85.7	KFGOFM	LIC	BLH840301DE	Fargo	ND A	47.0048	97.1137	CD 270C1	100.H	100.V	264		200.7	200.			C
153.7 334.8	KEEYFM	LIC	BLH910814KJ	St. Paul	MN A	45.0330	93.0727	1ST 271C	100.H	100.V	315		254.4	165.			
49.3 231.5		VAC		Atikokan	ON C	48.4500	91.3700	1ST 271C	H	V			284.8	195.			

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GAITHERSBURG, MARYLAND

FIGURE 2
PROPOSED CHANNEL - 270A
WALKER, MN

MM DOCKET 94-4
WALKER AND NASHWAUK, MN
REPLY COMMENTS

ALT	253 C3	FR	POLARIZATION	ERP (KW)	HAAT	RCAMSL
NASHWAUK MN	US			HOR PLN	DM TILT	(METER)
47,1500	93,1200 (D.MSS)		HORIZONTAL	25,000	0.000	100.0
			VERTICAL	25,000	0.000	100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 25,000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	CANADIAN
	DBU KM	DBU KM
CD CHANNEL (40.0)	113.6	(34.0) 130.6
1ST ADJACENT (54.0)	60.2	(48.0) 59.0
2ND ADJACENT (80.0)	12.9	(74.0) 10.2
3RD ADJACENT (100.0)	4.1	(94.0) 3.2
PROTECTED (60.0)	39.1	(54.0) 50.8
CITY GRADE (70.0)	23.2	

AZIMUTH	HAAT	HAAT	CONTOURS (KM)
DEGREES	(METERS)	(FEET)	70 DBU 60 DBU 54 DBU
0.0	81.9	268.8	21.1 35.8 47.1
45.0	95.1	311.9	22.7 38.2 49.9
90.0	105.5	346.1	23.8 40.0 51.8
135.0	86.7	284.3	21.7 36.7 48.1
180.0	99.2	325.3	23.1 38.9 50.7
225.0	120.6	395.7	25.3 42.1 54.3
270.0	114.8	376.5	24.8 41.3 53.4
315.0	96.3	316.0	22.8 38.5 50.1
AVERAGE	100.0	328.1	23.2 39.1 50.8

EST SITE ELEVATION : 426.7 m.; 1400.0 ft.
 EST RAD CENTER AGL : 87.5 m.; 287.1 ft.
 RAD CENTER A.M.S.L.: 514.2 m.; 1687.1 ft.

 NO CHANNEL 6 TV STATIONS WITHIN 23. KM

 THE CANADIAN BORDER IS 124.8 KM ON A BEARING OF 29.6 DEG. TRUE

AZIMUTH																			
FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT (D.MSS)	LONG	REL CHN	ERP (KW)	HAAT	D I-CON	P-CON	IR	IC	REZLT			
										HORZ VERT	(M)	A F5010	F5050	DIST	RSEP	RSEP	IR	IC	
												(KM)	(KM)	(KM)	(KM)	(KM)			
61.9	242.6	WEVEFM	LIC	BLH850913KI	Eveleth	MN A	47.3553	92.1326	3RD 250C1	71.H 71.V	1610			83.2	76.				C
286.3	105.2	WBJI	LIC	BLH910906KD	Blackduck	MN A	47.3319	94.4759	1ST 252C2	50.H 50.V	139			125.4	117.				
178.6	358.7	KTISFM	LIC	BLH910814KI	Minneapolis	MN A	45.0330	93.0727	CD 253C	100.H100.V	315			243.7	237.				C
121.4	302.2	WAKX	LIC	BLH910712KB	Duluth	MN A	46.4730	92.0659	2ND 255C1	100.H100.V	183			96.9	76.				

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FIGURE 3
ALTERNATE CHANNEL - 253C3
NASHWAUK, MN

MM DOCKET 94-4
WALKER AND NASHWAUK, MN
REPLY COMMENTS

ALT	275 C3	FR	POLARIZATION	ERP (KW)	HAAT	RCANSL
NASHWAUK MN	IIS			HOR PLN	BM TILT	(METER)
47.2249	93.1005 (D.MMSS)		HORIZONTAL	25.000	0.000	100.0
			VERTICAL	25.000	0.000	100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 25.000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	CANADIAN
	DBU KM	DBU KM
CD CHANNEL (40.0)	113.6	(34.0) 130.6
1ST ADJACENT (54.0)	60.2	(48.0) 59.0
2ND ADJACENT (80.0)	12.9	(74.0) 10.2
3RD ADJACENT (100.0)	4.1	(94.0) 3.2
PROTECTED (60.0)	39.1	(54.0) 50.8
CITY GRADE (70.0)	23.2	

AZIMUTH	HAAT	HAAT	CONTOURS (KM)		
DEGREES	(METERS)	(FEET)	70 DBU	60 DBU	54 DBU
0.0	97.0	318.2	22.9	38.6	50.3
45.0	63.2	207.3	18.6	31.8	42.8
90.0	83.6	274.2	21.3	36.1	47.5
135.0	112.0	367.3	24.5	40.9	52.9
180.0	111.8	366.7	24.5	40.9	52.9
225.0	112.6	369.5	24.6	41.0	53.1
270.0	113.3	371.8	24.6	41.1	53.2
315.0	106.5	349.5	23.9	40.1	52.0
AVERAGE	100.0	328.1	23.2	39.1	50.8

EST SITE ELEVATION : 451.5 m.; 1481.3 ft.
 EST RAD CENTER AGL : 79.6 m.; 261.1 ft.
 RAD CENTER A.M.S.L.: 531.1 m.; 1742.4 ft.

 THE CANADIAN BORDER IS 111.1 KM ON A BEARING OF 32.3 DEG. TRUE

AZIMUTH	LAT	LONG	ERP (KW)	HAAT	D	I-CON	P-CON	IR	IC	REZLT
FROM TO CALL STS	FILE NUMBER	CITY	ST C	(D.MMSS)	REL CHN	HORZ VERT	(M)	A F5010 F5050	DIST RSEP	RSEP IR IC
								(KM) (KM)	(KM) (KM)	(KM)
129.2 310.0 KZIO LIC	BLH790827AE	Superior	WI A	46.4721	92.0709 2ND 273C1	100.H100.V	183		103.3	76.
225.6 44.7 USE		Peequot La	MN A	46.3606	94.1855 1ST 274C2	H V			122.9	117. C
231.0 50.1 KTIG CP	BPH9212151G	Peequot La	MN A	46.4048	94.2502 1ST 274C2	40.H 40.V	1650		122.8	117. C
COMMENTFrom Channel 261A per D92-102										
179.2 359.3 WLTE LIC	BLH910814KD	Minneapolis	MN A	45.0330	93.0727 CD 275C	100.H100.V	315		258.1	237.
129.2 310.0 KUMDFM LIC	BLEDB60310KR	Duluth	MN A	46.4731	92.0721 2ND 277C1	95.H 95.V	250		102.9	76.

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GAITHERSBURG, MARYLAND

FIGURE 4
ALTERNATE CHANNEL - 275C3
NASHWAUK, MN

MM DOCKET 94-4
WALKER AND NASHWAUK, MN
REPLY COMMENTS